



DAC

PATENTS
CF-28

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicant : Andrew C. Gilbert

Application No. : 09/858,091 Confirmation No. : 2562

Filed : May 15, 2001

For : SYSTEMS AND METHODS FOR SHIFTING BIDS
AND OFFERS IN A TRADING INTERFACE

Group Art Unit : 2165

New York, New York 10020
April 3, 2003

Box DAC
Hon. Commissioner for Patents
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. § 1.137(b,f) FOR REVIVAL
OF UNINTENTIONALLY ABANDONED PATENT APPLICATION

Sir:

Pursuant to 37 C.F.R. § 1.137(b,f), applicant hereby petitions for revival of the above-identified patent application, which may have become abandoned because the above-identified patent application was filed in another country that requires publication of applications eighteen months after filing and applicant unintentionally may have failed to notify the Patent and Trademark Office of that foreign filing within forty-five days thereof.

37 C.F.R. § 1.137(b)(1)

This petition is accompanied by a notification under 37 C.F.R. § 1.213(c) that the above-identified patent application was filed in another country that requires publication of applications eighteen months after filing.

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37 C.F.R. § 1.137(b) (2)

A check in the amount of \$1,300.00, in payment of the petition fee set forth in 37 C.F.R. § 1.17(m), is enclosed herewith. The Director is hereby authorized to charge any additional fee that may be due, or to credit any overpayment, in connection with this Petition, to Deposit Account No. 06-1075. A duplicate copy of this Petition is enclosed herewith.

37 C.F.R. § 1.137(b) (3)

Any delay in notifying the Patent and Trademark Office that the above-identified patent application was filed in another country that requires publication of applications eighteen months after filing, including the delay in filing this petition, was unintentional.

Applicant filed a Rescission Under 37 C.F.R. § 1.213(b) Of Nonpublication Request on November 26, 2001, prior to the earliest foreign filing (December 7, 2001) of the above-identified patent application. The Rescission was filed in a format based on the original Patent and Trademark Office form for such rescissions, which did not include a notification that foreign filing had occurred (and indeed, at the time of filing the rescission, foreign filing had not yet occurred).

Applicant understood, based on the original Patent and Trademark Office form, that filing of the rescission met the requirement for notifying the Patent and Trademark Office that foreign filing had occurred.

The undersigned learned on March 31, 2003 that the Patent and Trademark Office had changed its form for rescission of a nonpublication request to include an explicit notification of foreign filing, and that under the Patent and Trademark Office's current interpretation of 37 C.F.R. § 1.213(c), the mere rescission of a nonpublication request does not satisfy the requirement that the Patent and Trademark Office be notified that an application in which a nonpublication request had been filed

has been filed in a foreign country that publishes applications after eighteen months. In view of that interpretation, applicant in an abundance of caution has prepared and is filing this Petition immediately.

Request for Retroactive Effect

Applicant further respectfully requests that revival of the above-identified patent application be granted retroactively to January 21, 2002, the date that is forty-five days after the earliest foreign filing.

Conclusion

Prompt grant of this petition is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Hon. Commissioner for Patents
P.O. Box 2327
Arlington, Virginia 22202
on April 3, 2003

Crane T. Samra, Esq.
Name of Person Signing Certificate

Crane T. Samra, Esq.
Signature of Person Signing Certificate

April 3, 2003
Date of Signature

Respectfully submitted,

Hassan Albakri

Hassan Albakri
(Limited Recognition)
Agent for Applicant
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BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
UNITED STATES PATENT AND TRADEMARK OFFICE

LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

Hassan Albakri is hereby given limited recognition under 37 CFR § 10.9(b), as an employee of the law firm of Fish & Neave, to prepare and prosecute patent applications wherein the patent applicant is a client of the law firm of Fish & Neave, and a registered practitioner, who is a member of the law firm of Fish & Neave, is the practitioner of record in the applications. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Hassan Albakri ceases to lawfully reside in the United States, (ii) Hassan Albakri's employment with the law firm of Fish & Neave, ceases or is terminated, or (iii) Hassan Albakri ceases to remain or reside in the United States on an H-1B visa.

This document constitutes proof of such limited recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: December 6, 2003



Harry I. Moatz
Director of Enrollment and Discipline

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April 3, 2003

Box DAC
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Washington, D.C. 20231

NOTIFICATION UNDER 37 C.F.R. § 1.213(c)
OF FOREIGN FILING OF PATENT APPLICATION

Sir:

Pursuant to 37 C.F.R. § 1.213(c), applicant hereby notifies the Patent and Trademark Office that the above-identified patent application was filed in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing.

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The earliest such filing occurred on December 7, 2001, which is more than forty-five days prior to this notification. A petition under 37 C.F.R. § 1.137(b,f) to revive this application is being filed concurrently herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Hon. Commissioner for Patents
P.O. Box 2327
Arlington, Virginia 22202
on April 3, 2003

Clarine J. SAWYER - *unauthorized*
Name of Person Signing Certificate

Clarine J. Sawyer
Signature of Person Signing Certificate

April 3, 2003
Date of Signature

Respectfully submitted,

Hassan Albakri

Hassan Albakri
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